(Kamal Kishore Vs. Sugna & Anr.)
S.B . CIVIL MISC. APPEAL NO.1342/2007.

Date : 07.05.2007

HON'BLE MR. P.B.MAJMUDAR, J.

Mr.NK Vyas, for the appellant.

By filing this appeal under Section 173 of the Motor Vehicles Act, 1988, the appellant, who is Driver of motor cycle in question, has challenged the judgment and award passed by the Motor Accident Claims Tribunal, Pali in MACT Case No. 66/2005 by which the Tribunal has awarded Rs. 40,000/- in favour of claimant as compensation for the personal injury sustained by the injured.

The appellant was driving the motor cycle on the relevant day and because of negligent driving of the driver of the motor cycle, a minor girl aged about 8 years sustained various injuries. She was admitted in hospital and on the basis of injury, the claim petition was filed by guardian of minor before the Tribunal. The Tribunal after considering the injury of claimant as well as medical treatment, which was required to be undertaken by the claimant, ultimately awarded Rs. 40,000/-. The appellant /original owner of the said motor cycle has filed this appeal.

The only point which has been argued by learned

counsel Mr Vyas is that the Tribunal has seriously erred in awarding Rs. 10,000/- towards medical treatment. It is submitted by Mr Vyas that appellant himself has spent some amount by taking the injured to the hospital. On 25.4.2007, this Court granted time to learned counsel Mr Vyas to produce evidence regarding said averment that appellant had spent some amount towards medical treatment of injured. Today, learned counsel Mr Vyas fairly admitted that the appellant is not having any evidence to show that any such amount was spent by the appellant.

Considering the aforesaid aspect, it cannot be said that the Tribunal has committed any error of law or of fact in passing the impugned award. The Tribunal has also considered the aspect regarding quantum in proper manner which does not require any interference by this Court.

Accordingly, I do not find any substance in the appeal and hence the same is dismissed summarily.

(P.B.MAJMUDAR), J.

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